

Weston Conservation Commission - Public Meeting Minutes  
May 28, 2019  
*Approved: June 18, 2019*

Members Present: Joseph Berman (Chair), Alison Barlow, Cynthia Chapra, Ellen Freeman Roth, and Rees Tulloss  
Members Absent: Josh Feinblum  
Conservation Staff: Michele Grzenda  
Others Present: See Sign-in Sheet

7:30 p.m. Admin. Matters

1. Opportunity for Public Comment – Nina Danforth, resident, thanked Mr. Tulloss for assisting in the recent work conducted at the Maple Allee at the corner of Glen Road and Wellesley Street. However, it was the Tree Advisory Group’s opinion that spreading wood chips under the maple trees was not advisable. Ms. Danforth expressed concerns over whether a mower will be able to access the wood chip area.
2. Discussion and vote on new Con Com Chair; Motion by Cynthia Chapra to nominate Joseph Berman as Con Com chair; seconded by Ellen Freeman Roth; vote 4:0:1.
3. Discussion and vote on new Con Com representative to the Community Preservation Committee – discussion tabled until June 18, 2019

7:40 p.m. Request for Determination of Applicability: 777 South Ave; B. Bau

The owner wishes to replace an existing septic system field in the front yard that has failed Title V inspection. A wetland exists across the street and therefore, a portion of the work area is within 100-foot buffer zone. Approximately half of the property is within the 100-year flood zone but no work is proposed in this resource area. Erosion controls in the form of 12-inch Filter Mitt will be placed along the limit of work. Motion by Rees Tulloss to issue a Negative Determination of Applicability #3; seconded by Alison Barlow; vote 5:0:0.

7:55 p.m. Admin. Matters

1. Approval of 4/30/19 Con Com minutes - Motion by Ellen Freeman Roth to approve the minutes; seconded by Cynthia Chapra; vote 5:0:0.

8:00 p.m. Notice of Intent: 48 Black Oak Road; D. Charpie (owner, absent) Marc Brassard Jillson company, K. Sebastian, Landscape Architect

The Applicant proposes to complete construction of a single family house, pool, fence, restoration of the 25-foot No Disturb Zone, and other associated work. The prior Order of Conditions (OOC) (337-1265) has expired and therefore, a new Notice of Intent to complete the work was required. Jillson Company presented the following updates:

- The foundation and terrace have been installed to completion and while there is some finishing work, the dwelling as currently constructed is habitable.
- The complete septic system has been installed.
- All recharge basins have been installed, with some final connections to complete the system.
- The driveway has been installed up to the sub-base, it is still to be finished and the trench drain is to be installed and connected into the drainage system.
- The wall and cantilevered walkway have been installed.
- The pre-existing drainage pipe which day lighted at the wetland edge has been abandoned and has been relocated and partially built as shown on the plan. Currently the pipe daylights into the construction area and over the winter/spring, water discharging out of this pipe has flowed over the construction site and created some erosion behind the existing limit of work (into the NDZ).

- During the week of May 20<sup>th</sup>, the buffer restoration plantings were installed per approved plan: "Buffer Restoration Sketch" for 48 Black Oak Rd. Weston, MA prepared by Karen Sebastian, LLC and dated August 4, 2016.

To complete the project, an in-ground pool, pool equipment, generator, spa, patio area, and pergola are proposed to be installed within 100' of the wetlands on site. Associated with this pool area is a retaining wall and fence just outside of the 25' No Disturb. There is also a recharge basin outflow to be connected in the area of the pool patio. In addition the site still requires finished grading and plantings.

Concerns were raised over the close proximity of the pool retaining wall to the NDZ. The Agent indicated that erosion control maintenance has been a problem on this site. Weston's Stormwater Engineer has told the contractor multiple times that erosion was occurring in the NDZ from unmaintained ECB. Due to the new NOI hearing, the contractor finally made several corrections but the Commission expressed concerns about lack of proper ECB inspections and maintenance moving forward. The Agent and Cynthia Chapra observed sediment which had eroded into the NDZ in a number of areas due to previously unmaintained ECB. The erosion was not substantial enough to require removal however; it shows the need for proper oversight as this project moves forward. Discussion ensued as to whether to hire Patrick Garner to oversee the site work. Jillson Company and Ms. Sabastian suggested the Commission allow their companies to perform the inspections with the option that should new problems arise, the Agent could require that Mr. Garner be brought in to assist. Discussion ensued.

Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project with the following new condition: (1) Prior to any work on the site, the Applicant shall designate an Environmental Monitor, acceptable to the Conservation Commission, for this project who will be available on a 7-day a week, 24-hour a day basis to address any emergency situations related to the construction of the pool retaining wall, pool, and associated patios near the wetland resource area. The WCC has authorized the use of Patrick Garner, paid for by the Applicant; oversee the work should the Applicant's Monitor fail to do their job the motion was seconded by Alison Barlow; vote 5:0:0.

8:30 p.m. Request for Minor Plan Change – shed relocation and fence installation – 37 Wellesley Street; M. Schulman (absent)

(Joseph Berman recused himself) Mr. Shulman informed the Agent over the weekend that he will not be in attendance at the Con com meeting and said he will be in touch before he installs the fence and/or new shed. The Commission asked the Agent to send Mr. Shulman a letter (1) confirming that before any work is conducted in the backyard (i.e. fence or shed installation), the owner shall submit a request and plan showing the work and attend a con com meeting to discuss and (2) the commission observed a bunch of landscaping debris, potted plants, leaves and lawn clippings, etc. that have been placed over the years into the wetland. It's very important that no additional dumping of any type of material be placed within the wetland moving forward. If the owner continues to dump or allows anyone to dump debris in his wetland, he will be asked to remove it. Any plastic pots or unnatural debris shall be removed.

9:00 p.m. Notice of Violation – 726 Wellesley Street

On Monday, 5/13/19, Weston's Stormwater Engineer observed land clearing and land disturbance at 726 Wellesley Street. He noticed that over 5,000 s.f. of land had been cleared; a portion of this clearing may have been conducted in the 100-foot buffer zone to a wetland. The landowner was sent a letter by the Conservation Agent on 4/14/19 and asked to contact the Conservation Agent by May 21, 2019 to discuss this matter and to attend the Con Com meeting tonight. Since the Commission has not heard from the owner; the Commission requires that erosion control barriers be installed by Friday; and the Agent will update the Commission on June 18<sup>th</sup>.

9:10 p.m. Admin. Matters, Cont.

1. Signing of bills and documents
2. FY19 Budget Update – The Agent recommended chemically treating and removing the tree of heaven patch growing on Case Estates property near the corner of Wellesley and Newton Street. Ms. Danforth expressed concern about treating the tree of heaven this early in the season and feels the treatment will be more effective if conducted in September. The agent will check with the contractor and get their expert opinion on the matter.
3. Request to cut trees – 15 Ware Street (337-1310) – The Commission reviewed a memo from Bransfield Tree Company regarding the proposed removal of 4 trees at 15 Ware Street. Motion by Alison Barlow to approve; seconded by Rees Tulloss; vote 5:0:0.
4. Proposed septic system - 336 Boston Post Road – a small portion of the grading will occur within the buffer zone, however, Rt. 20 exists b/w the work area and the wetland. It was the Commission’s opinion that since the Stormwater and Erosion Control Bylaw requires that erosion controls be installed and that a Stormwater Permit is required, Conservation Commission concerns will be adequately addressed.
5. Rees Tulloss has been discussing the possibility of having Lynn Atkins perform invasive species management on some problem areas on Conservation Land. Ms. Atkins would charge the town \$50/hour. Motion by Rees Tulloss to have Lynn Atkins begin a selective invasive species program on a trial basis, the locations to be determined by Mr. Tulloss and the Agent; seconded by Alison Barlow; vote 5:0:0
6. Next Con Com Meeting will be July 9, 2019